

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

This Document Relates to:
All Cases

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) MDL No. 1:13-md-2419-RWZ
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) **ORAL ARGUMENT REQUESTED**
)

**EMERGENCY MOTION OF INSIGHT HEALTH CORP. FOR ENTRY OF
AN ORDER IN AID OF THIS COURT’S MEMORANDUM OF DECISION
TRANSFERRING ADDITIONAL PERSONAL INJURY TORT AND
WRONGFUL DEATH CASES TO THIS COURT, DATED MAY 15, 2014
[MDL DOC. NO. 1131] ENJOINING GENTRY LOCKE PLAINTIFFS**

Insight Health Corp. (“**Insight**”), by and through their undersigned counsel, hereby submits this emergency motion (the “**Motion**”) for entry of an order, pursuant to the All Writs Act and Anti-Injunction Act, enjoining the Plaintiffs represented by Gentry, Locke, Rakes & Moore LLP (the “**Gentry Locke Plaintiffs**”) from taking any action in violation of this Court’s Memorandum of Decision, dated May 15, 2014 (MDL Doc. No. 1131) (the “**Decision**”) directing the transfer of certain personal injury and wrongful death cases to this Court, including enjoining the Gentry Locke Plaintiffs from any further action in Virginia state court, absent relief from this Court.

The grounds for this motion are set forth in the accompanying memorandum of law and the Declaration of Christopher E. Tribble.

Accordingly, Insight respectfully requests that this Court:

- (i) enjoin the Gentry Locke Plaintiffs and their counsel shall refrain from taking any action in the Circuit Court of the City of Roanoke, Virginia with respect to the 29 personal injury and wrongful death cases brought by 127 plaintiffs

(the “**Virginia Plaintiffs**”) against Insight and certain other defendants (the “**State Court Actions**”), including any action to present orders with respect to the State Court Actions that this Court transferred pursuant to this Court’s Decision; and

(ii) declare that any actions taken by the Gentry Locke Plaintiffs or their counsel in the Roanoke City Circuit Court after May 13, 2014, the date this Court announced that it would allow the Trustee’s Supplemental Transfer Motion (MDL Doc. No. 732), and any orders entered by the Roanoke City Circuit Court entered in the State Court Actions as a result of such actions, shall be null and void.

A proposed form of order is attached hereto as Exhibit A.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Insight respectfully requests a hearing on its motion at the Court’s earliest convenience.

CERTIFICATION PURSUANT TO LOCAL RULES 7.1(A)(2)

Counsel hereby certifies that they have conferred with counsel for the Gentry Locke Plaintiffs, and that the parties were not able to reach agreement on the issue presented in this Motion.

Dated: May 27, 2014
Boston, Massachusetts

Respectfully submitted,

/s/ Matthew J. Matule
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CERTIFICATE OF SERVICE

I, Matthew J. Matule, hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on May 27, 2014.

Dated: May 27, 2014 /s/ Matthew J. Matule
Matthew J. Matule

Counsel for Insight Health Corp.